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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,474	02/15/2006	Pierre Hermanus Woerlee	NL 031042	2386

24737 7590 04/28/2008  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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04/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,474	<b>Applicant(s)</b> WOERLEE ET AL.	
	<b>Examiner</b> NABIL Z. HINDI	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 2,5-8 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

In response to applicant's filing dated February 15, 2006. The following action is taken:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by 5729525.

The independent claims read on a multi layer disk wherein data volume recorded on each of the layers differ from each other by an amount. The reference shows an optical multi layer disk having a first and second layers 2, 4. the disk is initiated on the first layer by recording data into block and then recording the data onto the second layer on data blocks as shown in figs the data recorded differ by a predetermined amount as shown by elements 9 in fig 1b, element 30 fig 2b, elements 44 and 46 of fig 3b and fig 10b meeting the claimed invention.

With respect to the limitation of claim 3 the reference is drawn to a multi layer disk as shown in fig 4A.

With respect to the limitation of claim 4 see column 6 lines 1-15.

With respect to the limitation of claim 10. The reference is drawn to an optical disk reading apparatus.

Claims 1, 3, 4, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/086873 A1.

The reference shows an optical multi layer disk wherein data recorded on the first and second layers differ from each other as shown in figs 10-13

With respect to the limitation of claim 3, the reference is drawn to a multi layer disk.

With respect to the limitation of claim 4, since the data block is part of the entire data blocks on the disk layer such limitation is present.

With respect to the limitation of claim 10 see fig 15.

Claims 2, 5-8 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art shows subsequent blocks not being recorded on the same layer.

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.

/NABIL Z HINDI/

Primary Examiner, Art Unit 2627